

## **McCarthy Signals Impending EPA Action On PFC Drinking Water Levels**

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Author: LaRoss, David; Lacey, Anthony

April 14, 2016 NASHVILLE, TN -- EPA Administrator Gina McCarthy is signaling that the agency is preparing to significantly ramp up its work on addressing the drinking water contaminants perfluorinated chemicals (PFCs), as it faces pressure from states and advocates to issue new advisory levels that would inform how states target contamination.

At the Environmental Council of the States' (ECOS) spring meeting here April 13, McCarthy hinted that states should expect action on the chemicals within the next month. She vowed that the agency would work closely with ECOS' state members on the issue. "It's going to be very challenging and there's no way you're not going to be in the room prior to being faced with that challenge. That's not how partners work," she said.

Similarly, in April 14 remarks at the National Wildlife Federation's anniversary luncheon in Washington, D.C., McCarthy identified perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) -- two of the class of contaminants known as PFCs -- as among the agency's top drinking water priorities.

"It's not just about lead in Flint, which is a horrible, horrible situation, but that needs to be a bigger wake-up call," McCarthy said to the NWF audience, referring to the ongoing drinking water contamination in Flint, MI that has drawn national attention to EPA's drinking water oversight. She continued, "We have things like pharmaceuticals, PFCs, PFOA and PFOS, friends, that are everywhere."

EPA is under pressure to quickly issue a PFOA health advisory for long-term exposures to the chemical in drinking water, which would also apply to PFOS.

EPA issued a provisional advisory on the chemical in 2009 but has been working to craft a new advisory for some time, with environmentalists and others arguing that the provisional finding falls far short of setting a protective level for the public.

Unlike a drinking water standard such as a maximum contaminant level, health advisory levels are not enforceable. However, states have said a new, long-term advisory would still provide important guidance to regulators seeking to assess the dangers from specific instances of PFC contamination.

### **States' Concerns**

At the ECOS spring meeting, McCarthy hinted that a new agency action on PFCs would be released within the month after New Hampshire Department of Environmental Services Commissioner Thomas Burack raised concerns about PFOA and the broader class of PFCs overall.

During an April 13 breakfast discussion with McCarthy, Burack asked for a show of hands among ECOS' state members about "how many states feel right now that they're dealing with a PFC issue?"

Burack said he counted between a half-dozen to a dozen states showing their hands.

In response, McCarthy suggested an upcoming PFC announcement when she said, "If you ask the same question a month from a now there'd be a lot more hands going up -- that's a little hint."

Burack also asked McCarthy, "Can we find a way to bring those states together with EPA" on "joint governance" to "collectively talk about, for example, how we message on this, how we share information on this, how we learn from each other?"

McCarthy responded, "We actually need all of us to work together on this issue," saying that "there is an opportunity for this to be seen as a much bigger risk than you might want it to be seen as. It is a challenge, and we can work it through, but it also will be seen as a very broad issue and it has the opportunity for people to really lose faith in whether or not we're doing the job that we're supposed to do in the way that they expect it." Concerns over PFCs also raise questions about products that contain the chemicals, and over the multiple routes of exposure, "the lesser of which is drinking water," she said.

### **PFOA Contamination**

States and environmentalists are calling on EPA to issue a long-term PFOA health advisory level to inform action on drinking water contamination from the chemical in New York and elsewhere.

The agency has issued a provisional advisory level of 400 parts per trillion (ppt), but environmentalists have argued that level is insufficient to protect human health from chronic exposure while lawmakers, state regulators and three Northeast governors have said a long-term advisory is needed in order to provide uniform guidance for states to assess drinking water safety.

Concern about the short-term advisory level has grown after EPA Region 2 earlier this year advised Hoosick Falls, NY, residents to refrain from consuming private well water with PFOA levels higher than 100 ppt -- a much more stringent standard than the 400 ppt EPA set out in its provisional advisory.

Stakeholders have questioned the agency's reason for applying the more stringent level in New York while standing behind the 400 ppt level elsewhere.

For instance, Sen. Kelly Ayotte (R-NH) in a March 28 letter to EPA Administrator Gina McCarthy said EPA in New York "has set an 'action level' of 100 ppt of PFOA, and further the State of Maine has set a health advisory level of 100 ppt and the State of Vermont has set a health advisory level of 20 ppt. These varying levels have created great uncertainty among the public regarding what PFOA level is safe for use and consumption."

However, an EPA spokeswoman in a recent statement to Inside EPA defended the agency's decision not to immediately broaden the 100 ppt advisory, explaining the agency's advice in that community was given to private well owners as a result of specific circumstances there, namely that free bottled water was already available and that New York's health department had already offered to test private wells for PFOA.

Along with the pressure being exerted on EPA, state officials and other federal agencies such as the Department of Defense (DOD) are also facing stakeholder calls to address PFOA and other PFCs, from lawmakers, environmentalists, the law firm representing citizens in a landmark PFOA class-action suit and at least one state. DOD sites have seen PFC contamination as a result of fire-fighting training exercises, while a DuPont plant in Parkersburg, WV, is the subject of the class-action litigation.

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